IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 751 OF 2004

Shri. Bharat Bhagwan Mane ... Petitioner

Versus

The State of Maharasthra and Ors. ... Respondents

Mr. Dilip Bodake for Petitioner.

Mr. A.V. Vanarse, A.G.P.f or Respondents.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 25, 2005

P.C.

. We have heard learned counsel for the Petitioner. We have considered the order of the committee which is impugned. After considering the order, we do not find that it suffers from any error apparent on the face of the record. The Petitioner's caste in school records was shown as Hindu Koli. The Committee has recorded a finding that even characteristics and customs are that of Hindu Koli and not of Mahadeo Koli. In the light of that we do not find this to be a fit case to interfere with the order of the caste scrutiny committee.

. However, petitioner was appointed before G.R. of 1.1.1995. Considering that petitioner would be entitled to the protection in service. In the light of that the following order :

. Petitioner to apply to the competent authority for the certificate that he belongs to Hindu Koli within four weeks from today. The Competent authority on consideration of the documents to issue certificate if the petitioner is otherwise eligible within eight weeks thereafter.

(2) Petitioner to produce certificate as issued to the Respondent No. 4 within four weeks thereafter.

(3) Respondent No. 4 thereafter to send the certificate for verification to the concerned committee set up to dispose of scrutiny within six months thereafter. If the Committee holds petitioner as belonging to Hindu Koli, Respondent No. 4 not to terminate service of the Petitioner.

(5) Pending entire exercise and till the decision of the scrutiny committee, respondent No. 4 not to terminate the services of the Petitioner herein. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)